

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSIE SANCHEZ MILLER,

Defendant.

CR 20–12–BLG–DLC

ORDER

Earlier this morning, the Court indicated it would release Defendant Josie Sanchez Miller from pretrial custody pursuant to 18 U.S.C. § 3142(i) unless the parties showed cause as to why Miller should not be released. (Doc. 76.) Given the emergent nature of Miller’s condition, the Court gave the parties until noon today to respond to its order. (*Id.*)

Defense counsel responded that she “takes no position.” (Doc. 77.) The United States indicates it has no objection to the Court ordering Miller’s release. (Doc. 78.)

Under 18 U.S.C. § 3142(i), the Court has authority to order the temporary release of a person in the custody of the U.S. Marshal “to the to the extent that the judicial officer determines such release to be necessary for the preparation of the person's defense or for another compelling reason.” Courts have determined that a

life threatening medical condition presents a “compelling reason,” *United States v. Rebollo-Andino*, 312 Fed. App’x 346, 348 (1st Cir. 2009) (observing that the defendant’s medical condition could warrant temporary release depending on the circumstances); *United States v. Hamilton*, 2020 WL 1323036, at \*2 (E.D.N.Y. Mar. 20, 2020) (noting that release under § 3142(i) may be appropriate where the defendant “is suffering from a terminal illness or serious injury”); *States v. Cordero Caraballo*, 185 F. Supp. 2d 143, 144-47 (D.P.R. 2002) (ordering release of defendant who sustained multiple gunshot wounds).

Here, the Court finds Miller’s present condition to present a “compelling reason” to justify her temporary release. Miller is currently hospitalized with COVID-19 and her condition is rapidly declining. Miller has signed a “do not resuscitate” request and has indicated her desire to be taken off her oxygen machine—a decision her doctor believes will cause her to pass within a day. Given the imminent time frame and the need for Miller to be able to communicate with family in what might be her final hours, the Court finds that “compelling reasons” justify Miller’s release under 18 U.S.C. § 3142(i).

IT IS ORDERED that Defendant Josie Sanchez Miller be released from custody pursuant to 18 U.S.C. § 3142(i).

Dated this 31st day of August, 2020.

A handwritten signature in blue ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large initial "D".

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Dana L. Christensen, District Judge  
United States District Court